

**FILED**  
San Francisco County Superior Court



AUG 3 - 2020

CLERK OF THE COURT

BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

QINGYUN LI and GOU WEI ZHEN, individually  
and on behalf of all others similarly situated,

Plaintiffs,

vs.

VOLAR, LLC, and DOES 1 through 20, inclusive,

Defendants.

Case No.: CGC-17-558187

ORDER GRANTING PLAINTIFFS' MOTION  
FOR PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

The Motion for Preliminary Approval of Class Action Settlement, Approval of Class Notice, and Conditional Certification of Settlement Class came before this Court for a hearing on July 28, 2020. The Court, having considered the papers submitted in support of the Motion, including all supplemental filings in support of the Motion and the Amended Stipulation for Class Action Settlement and Release entered into by and between the Parties ("Settlement Agreement"),<sup>1</sup> HEREBY ORDERS AS FOLLOWS:

This Order incorporates by reference the definitions in the Settlement Agreement.

The Settlement preliminarily appears to be within the range of possible final approval, such that notice should be provided to the Class.

The Court grants Preliminary Approval of the Settlement.

<sup>1</sup> The operative Settlement Agreement is Exhibit E to the July 21, 2020 Supplemental Declaration of Michael H. Kim.

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SETTLEMENT

1 The Court conditionally certifies the Class, defined as “the employees identified in the Class  
2 List, attached as Exhibit 1 to the Settlement Agreement (and which will also be attached as Attachment A  
3 to the Class Notice), who were employed by Volar, LLC d/b/a Sakesan Sushi and Bistro in San  
4 Francisco, California between April 24, 2013 and April 24, 2017, and who did not previously sign a  
5 Settlement Agreement and Release of All Claims with Volar, LLC.” The identities of the Class  
6 Members are listed in Exhibit 1 to the Settlement Agreement, which are incorporated herein by reference.

7 For settlement purposes only, the Court finds that the Class meets the requirements for class  
8 certification in that: (a) the Class is sufficiently numerous and ascertainable; (b) there are predominant  
9 common questions of law or fact; (c) the claims of the Class Representatives are typical of the claims of  
10 the Class; (d) the Class Representatives and Plaintiffs’ Counsel have and are able to adequately represent  
11 the Class; and (e) class-wide treatment of this dispute is superior to individual litigation.

12 The Court preliminarily approves Michael H. Kim, Esq. and Adam K. Tanouye, Esq. of Michael  
13 H. Kim, P.C. as Class Counsel for settlement purposes only.

14 The Court preliminarily approves QINGYUN LI and GOU WEI ZHEN as Class Representatives  
15 for settlement purposes only.

16 The Court approves CPT Group, Inc. as the Settlement Administrator in this matter.

17 The Court approves the Notice as to form and content, subject to one modification set forth here.  
18 The Court will evaluate whether Bay Area Legal Aid is an appropriate cy pres beneficiary at final  
19 approval. The Notice, at Section 8, must be revised to reflect that residual funds will be distributed to  
20 Bay Area Legal Aid, subject to Court approval. A copy of the Notice, which is approved subject to that  
21 modification, is attached as Exhibit I to the July 26, 2020 Second Supplemental Kim Declaration.

22 The Court finds that the plan for distributing the Notice set forth in the Settlement Agreement  
23 meets the requirements of due process and constitutes the best notice practicable under the  
24 circumstances.

25 The provision of a settlement website as set forth in the Settlement Agreement is approved.  
26 Plaintiffs’ Counsel shall confirm that all papers filed in connection with preliminary approval are posted  
27 on the website. Plaintiffs’ Counsel shall also confirm that all other pertinent filings in connection with

1 the Settlement Agreement, such as the final approval motion and the fee motion, are posted on the  
2 website as soon as practicable after they are filed.

3 The Court approves the procedures for Class Members to object to the Settlement and/or request  
4 exclusion from the Class as set forth in the Settlement Agreement and Notice.

5 A final fairness hearing on the question of whether the proposed Class Action Settlement, Class  
6 Counsel's Fees and Expenses, the Class Representative's Enhancement Award, and the Administrator's  
7 Fees and Costs should be finally approved as fair, reasonable and adequate as to the members of the  
8 Class, and any other matters that the Court deems appropriate, is scheduled for January 11, 2021 at 9:15  
9 a.m. in this Department (hereinafter referred to as the "Final Approval Hearing").

10 The Court orders the following schedule for further proceedings:

11 1. Within ten (10) business days after entry of the Preliminary Approval Order, Defendant  
12 shall provide the Settlement Administrator with the Class Information for purposes of mailing the Class  
13 Notice to Class Members.

14 2. Within thirty (30) days of Preliminary Approval of this Settlement, the Settlement  
15 Administrator shall mail copies of the Class Notice, in English, Spanish, and Chinese, to all Class  
16 Members by regular First Class U.S. Mail.

17 3. The deadline for Settlement Class Members to submit their requests for exclusions (opt-  
18 outs) or to object to the proposed Class Action Settlement will be ninety (90) days after the Settlement  
19 Administrator mails the Class Notice to Settlement Class Members, or any later date that is agreed to by  
20 the Parties in the Stipulation for Class Action Settlement and Release ("Response Deadline");

21 4. The deadline for Settlement Class Members to dispute in writing to the number of  
22 Compensable Workdays with which they are credited will be sixty (60) days after the Settlement  
23 Administrator mails the Class Notice to Settlement Class Members, or any later date that is agreed to by  
24 the Parties in the Stipulation for Class Action Settlement and Release.

25 5. Twenty-one (21) days prior to the hearing set for final approval of the settlement, the  
26 Settlement Administrator shall file with the Court a declaration stating the number of notices mailed,  
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1 undeliverable notices, notices forwarded, address traces performed, notices re-mailed, opt-out requests  
2 and/or objections.

3 6. The Parties shall file papers in support of Final Approval and for Attorney's Fees and  
4 Costs and Service Award to Class Representatives at least twenty-one (21) days prior to the Final  
5 Approval Hearing date. At the time the parties file their motion for final approval of the settlement, Class  
6 Counsel shall provide the Court with a declaration by the Settlement Administrator, specifying the due  
7 diligence it undertook with regard to the mailing of the Class Notice; verifying its settlement  
8 administration costs; and reporting on the number of opt-outs, objections, and disputes.

9 7. Notwithstanding any of the above, any Class Members may appear in person or by and  
10 through counsel of their choice at the Final Approval Hearing to state and argue their objections to the  
11 Class Action Settlement without first submitting their objections in writing.

12 8. The Court may change the date of the Final Approval Hearing without further notice to  
13 the Class.

14 **IT IS SO ORDERED.**

15  
16 Dated: August 3, 2020



17 Judge of the Superior Court  
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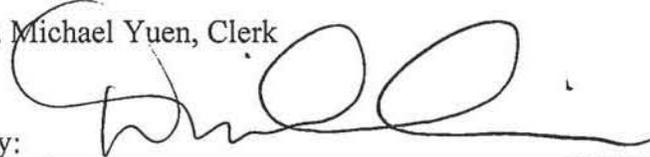
**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **AUG 3 - 2020**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **AUG 3 - 2020**

T. Michael Yuen, Clerk

By: 

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DANIAL LEMIRE, Deputy Clerk